The Director of Registration.

19. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether the present Registration Director was a Stationary Magistrate at any time;

(*b*) whether he was found by Government to be unfit to be a Stationary Magistrate; and

(*c*) the reasons for the same?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes.

(*c*) Certain irregularities.

MR. S. J. NAIR (*Nedumangad*): With reference to the answer to part (*b*), may I know how the present Director of Registration, when he was found unfit to be a Stationary Magistrate, was promoted as the Head of the Anchal Department as well as the Registration Department?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The finding was that he was unfit to be a Stationary Magistrate and not to be the Anchal Superintendent.

MR. S. J. NAIR (*Nedumangad*): May I know whether it was the finding of the Government that he was fit for any other post other than the Stationary Magistrate?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He was not declared unfit for any appointment other than that of a Magistrate.

MR. S. J. NAIR (*Nedumangad*): May I know whether it was done due to his unfitness?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think it means that he is unfit for other appointments. Government have not recorded so in their proceedings.

MR. S. J. NAIR (*Nedumangad*): May I know whether unfitness is a criterion for promotion?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Unfitness for holding a Magistrate's place is quite different from unfitness for holding other posts.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I rise to a point of order, whether the question whether unfitness is a qualification for promotion is admissible or not.

MR. S. J. NAIR (*Nedumangad*): Sir, before a ruling is given, I wish to say this. The answer to part (*b*) whether he was found by Government to be unfit to be a Stationary Magistrate is "yes". So, in the face of the answer supplied by the Government, I am compelled to put this question.

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PRESIDENT: It has been repeatedly pointed out by the Chief Secretary on behalf of Government that unfitness is only in regard to the duties of the Stationary Magistrate and therefore that unfitness does not disqualify him for any other appointment. Then, of course, to ask whether his unfitness is a ground for promotion is certainly irrelevant.

MR. S. J. NAIR (*Nedumangad*): With reference to part (c), may I know what was the nature of the irregularities; whether it was irregularity in the disposal of criminal cases, or whether it was bribery or such other things? May I know the exact nature of the irregularities?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): This event happened in 1918. The High Court made certain observations on the judgments delivered by the Magistrate. They observed that some of his judgments were illegal and so Government, on the strength of the remarks of the High Court, decided that Mr. Mathew was not fit to be a Magistrate.

MR. S. J. NAIR (*Nedumangad*): May I know the nature of the punishment meted out for delivering illegal judgments?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Govnrnment*): He was immediately degraded as a clerk.

MR. S. J. NAIR (*Nedumangad*): May I know the state of the party on whom the illegal judgment was delivered?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice. This took place in 1918.

MR. S. J. NAIR (*Nedumangad*): May I know whether it was as a result of delivering this judgment that Government gave him all these promotions?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He was degraded from a First Class Magistrate to a clerk.

PRESIDENT: When will the Director retire?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): In less than two months.

MR. S. J. NAIR (*Nedmangad*): May I know whether it is possible for the Government to give any promotion for an officer who is degraded or punished?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The finding was in respect of his magisterial work and not in respect of any other work.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether, in the remarks made by the High Court about the irregularities of the officer, it involved moral turpitude?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, Sir. I think it is mostly about the illegality of the judgments. I shall read a portion of the judgment of the High Court. There were four charges against him, but he was exonerated from the first three

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charges. The fourth charge was irregularities in his judgments. On the basis of the observations of the High Court, Government decided that he should be degraded. The High Court observed in their judgment, as follows :—

"On the whole my conclusion is that the Magistrate's wrong view of law and gross disregard of the rules of Criminal Procedure Code have resulted in miscarriage of justice".

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : My question is whether, in the allegations of the High Court, there was moral turpitude or not?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : No, Sir.

MR. PUTHUPPALLI S. KRISHNA PILLAI (*Quilon II*) : May I know whether he has discharged his duties properly during the last 17 years and whether his promotions are as a result of his subsequent conduct?

PRESIDENT : The promotions themselves indicate that.

Representations against the Director of Registration.

20. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state :

(*a*) whether they have received any written representations from any member of the Sri Mulam Assembly regarding the actions of Mr. E. I. Mathew as Registration Director and

(*b*) the action taken by Government on such representations?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) The matter is receiving the attention of Government.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know how long it is since the representation has been received by the Government?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The honourable member himself has sent up the representation. I do not find any date on the representation, but it was received in the Huzur Office on the 17th September 1935.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the Government whether they would pass final orders at least before the retirement of the present Director?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government have called for his explanation and I think final orders can be passed before he retires.

Vacancies of Headmasters' places in Vernacular Middle Schools.

21. ***MR. S. NILAKANTA PILLAI** (*Chirayinkil II*) : Will the Government be pleased to state :

(*a*) the number of vacancies of Headmasters' places in Vernacular Middle Schools ;

(*b*) whether any vacancies have been filled up recently ; and

(*c*) if so, the principle the Director of Public Instruction adopted in the matter of giving promotion?

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